

**REMARKS**

Claims 1-14 remain in the application.

First, claims 1-11 stand rejected under 35 USC 102(b) as being anticipated by De Rees (U.S. Patent No. 4,884,843). The Examiner states that De Rees teaches the structure as claimed (See Figures 1-5 and specification). Application strongly disagrees and traverses this rejection.

Applicant's invention as set forth in independent claim 1 includes a seat assembly adapted to be mounted to a floor of a motor vehicle comprising: a seat cushion frame (14) having a forward end (16) and a rearward end (18) for supporting an occupant on said seat assembly; a front support structure (26) pivotally coupled to said forward end (16) of said seat cushion frame (14) for pivoting said seat assembly between a generally horizontal seating position and a generally upright tumbled position; and a locking strut (64) extending between a first end (70) coupled to said front support structure (26) and an opposite second end (74) coupled to said rearward end (18) of said seat cushion frame (14) for locking and retaining said seat assembly in any location between said seating position and said tumbled position in response to an acceleration force exerted on said seat assembly above a predetermined threshold thereby preventing inadvertent pivoting of said seat assembly towards said seating position.

De Rees does not disclose a locking strut. Rather, De Rees discloses a pair of toggle links 30, 32 pivotally jonted by pivot pin 35. Referring to the specification at column 4, lines 33-60, De Rees teaches that as the support member 24 pivots from the seating postion about axis 26, the first toggle link 30 and the second toggle link 32 become aligned. As the ends of the links 30 and 32 at pivot pin 35 pass a straight line, lands 66 and 68 engage so as to form abutment surfaces which maintain an overcenter relationship so as to lock the seat in its inclined position. The links 30, 32 clearly do not lock and retain the seat assembly in an location between the seating position and the tumbled (or inclined) position. Rather, the links 30, 32 only maintain the seat in its inclined position. The seat 10 of De Rees is retained in

the seating position on by a latch mechanism 46, see column 3, lines 60-68. Finally, De Rees discloses that the spring 72 only serves as a counterbalance to the weight of the seat 10 as it is lifted to the inclined position, see column 4, lines 13-25. Therefore, the links 30, 32 do not and can not operate as a locking strut to lock and retain the seat assembly in any location, or rotated position, between the seating position and the tumbled position as set forth in independent claims 1 and 8. The rejection is incorrect and must be withdrawn.

Second, claim 1-11 stand rejected under 35 USC 102(e) as being anticipated by Kammerer (U.S. Patent No. 6,655,738). Again, the Examiner only suggests that Kammerer teaches the structure as claimed (see Figures 1-8B and specification). Applicant strongly disagrees and traverses this rejection.

Again, Kammerer also does not disclose a locking strut for locking and retaining the seat assembly in any location, or rotated position, between the seating position and tumbled position as set forth in Applicant's independent claims 1 and 8. Rather, Kammerer only discloses a pneumatic spring 41 acting between the seat cushion and the seat cushion support 9 to cause a pivoting motion of the seat cushion into the package position. However, the pneumatic spring does not lock or retain the seat assembly in any rotated position. Rather, it only causes pivoting motion to tumble the seat forward. The seat is locked in the seating position by a rear catch locking onto a rear rail bolt 23 and locked in the forward package position by the rear catch 25 locking onto a security bolt 45 which protrudes from the front foot 11. The rear catch 25 must then be released before the seat cushion can be returned to the seating position. Applicant strongly urges the Examiner to review the specification at column 3, lines 58-67, column 4, lines 4-67 and column 5, lines 1-15. This rejection is also incorrect and must be withdrawn.

Finally, the Examiner has only stated rejections to claims 1-11. Applicant notes that the current application also includes claims 12-14.

It is respectfully submitted that this patent application is in condition for allowance, which allowance is respectfully solicited. If the Examiner has any questions regarding this amendment or patent application, the Examiner is invited to contact the undersigned.

Respectfully submitted,



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